

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO: 10-md-02183-PAS**

IN RE: Brican America LLC Equipment
Lease Litigation

This Document Relates to All Actions

**NCMIC AND PSFS 3'S AGREED MOTION FOR ENLARGEMENT OF TIME TO RESPOND
TO THE FIRST AMENDED COMPLAINT**

Defendants, NCMIC FINANCE CORPORATION d/b/a PROFESSIONAL SOLUTIONS FINANCIAL SERVICES, an Iowa corporation ("NCMIC"), and PSFS 3, an Iowa corporation (collectively "NCMIC"), file this Agreed Motion for Enlargement of Time to Respond to the First Amended Complaint [DE 53] and state in support as follows:

1. On January 5, 2011 the Plaintiffs filed their First Amended Complaint. [DE 53].
2. Pursuant to this Court's Pretrial Order #1 [DE 25] the Defendants have been ordered to respond by January 12, 2011.
2. NCMIC seeks 14 days from receipt of the First Amended Complaint to respond to the Complaint which would be January 19, 2011.
3. Plaintiffs' liason/lead counsel Ronald Gossett has agreed to the relief sought herein.

MEMORANDUM OF LAW

Federal Rule of Civil Procedure 6(b) provides:

(b) Enlargement. When by these rules or by a notice given there under or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefore is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable

neglect; but it may not extend the time for taking any action under Rules 50(b) and (c)(2), 52(b), 29(b), (d) and (e) and 60(b), except to the extent and under the conditions stated in them.

In addition, Federal Rule of Civil Procedure 15(a)(3) provides that responses to amended pleadings be made within 14 days.

This motion is being filed in good faith and not for the purposes of delay.

CERTIFICATE OF GOOD FAITH CONFERENCE

I hereby certify that counsel for the movant has conferred in good faith with all parties or non-parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues raised in this motion and all are in agreement with the granting of this Motion

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 6, 2011, I electronically filed the foregoing document with the Clerk of the court using CM/ECF. I also certify that the foregoing document is being served on this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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